

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**FILED/ACCEPTED**

**AUG 22 2007**

Federal Communications Commission  
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. _____
FM Broadcast Stations	)	RM - _____
(Wheatland, Wyoming)	)	

To: The Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**PETITION FOR RULE MAKING**

This Petition is filed on behalf of Appaloosa Broadcasting Company, Inc. ("Appaloosa"), the licensee of Station KIMX(FM), Laramie, Wyoming. Appaloosa desires to modify the FM Table of Allotments in order to provide better service to the public. Specifically, Appaloosa requests that the Commission amend the FM Table of Allotments to substitute the FM Channel 286A for vacant FM Channel 247A, both at Wheatland, Wyoming. The following table summarizes the change requested in this Petition:

City	Channel	
	Existing	Proposed
Wheatland, Wyoming	247A	286A

In its simultaneously filed "hybrid" Form 301 application, Petitioner is proposing to modify the facilities of KIMX, from FM Channel 244C2 at Laramie, Wyoming to FM Channel 245A at Nunn, Colorado. This will be accomplished by the following changes: (i) this change in the Table of Allotments whereby the Wheatland allotment will be modified from FM Channel 286A to FM Channel 247A; (ii) the involuntary substitution of FM Channel 246C1 for FM Channel 245C1 at Terrytown, Nebraska; (iii) the modification of the license for Station

KCMI(FM), Terrytown, Nebraska, from FM Channel 245C1 to FM Channel 246C1; and (iv) the change in the community of license for KIMX, from Laramie, Wyoming to Nunn, Colorado with a concurrent change in Channel from FM Channel 244C2 to FM Channel 245A. The "hybrid" procedure being proposed by this Petition and the simultaneous application is in accord with the recent change in allotment procedures adopted by the Commission. *Report and Order* in MB Docket No. 05-210, 21 FCC Rcd 14212 (2006) ("Allotments Rulemaking). *See also Peach Springs, Arizona*, DA 07-3559, released August 10, 2007.

The "hybrid" procedures of the Allotments Rulemaking are implicated by the factual situation involving the Wheatland allotment. That allotment is currently vacant and the Commission has not yet designated it for hearing. Thus, the use of a rulemaking, involving the Wheatland allotment, is required.

The attached Technical Statement evidences that by applying the existing reference coordinates for Wheatland, FM Channel 286A, it can be directly substituted for FM Channel 247A at Wheatland, Wyoming. Thus, technical requirements for channel spacing, involving FM Channel 286A at Wheatland, Wyoming, are thus complied with.

As previously shown, the proposed change in the FM Table of Allotments meets the technical requirements for a change in the Table. More importantly, it will serve the public interest by leading to the introduction of a first local broadcast service at Nunn, Colorado, while Laramie, Wyoming will remain well served with broadcast transmission services. Accordingly,

Appaloosa urges the Commission to grant this Petition.

Respectively submitted,

**APPALOOSA BROADCASTING  
COMPANY, INC.**

By: 

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Its Counsel

August 22, 2007

TECHNICAL STATEMENT  
PETITION FOR RULEMAKING  
*APPALOOSA BROADCASTING COMPANY, INC.*  
WHEATLAND, WYOMING  
AUGUST 2007

This Technical Statement is prepared on behalf of Appaloosa Broadcasting Company, Inc. ("Appaloosa"), the licensee of KIMX Laramie, Wyoming. It is in support of a Petition for Rulemaking being filed by Appaloosa proposing to substitute FM Channel 286A for the vacant FM Channel 247A at Wheatland, Wyoming. This direct substitution of channels at Wheatland, will allow for the substitution of FM Channel 246C1 for FM Channel 245C1, currently authorized operation of Station KCMI, Terrytown, Nebraska. This substitution will allow Appaloosa to change the community of license for KIMX, resulting in it becoming the first broadcast transmission service for the community of Nunn, Colorado on FM Channel 245A.

A minor change application for KIMX is proposing the modification of the community of license to Nunn, Colorado, containing the involuntary "show cause" request for the change in the allotment of KCMI, is being filed simultaneously with this Petition for Rulemaking.

Figure 1 is a channel spacing study which shows that FM Channel 286A can be directly substituted for the current FM Channel 247A allotment at Wheatland, at the same coordinates reserved for the channel 247A allotment. These coordinates are also the reference coordinates for the community of Wheatland.

Appaloosa respectfully requests the substitution of the vacant allotment at Wheatland, Wyoming from FM Channel 247A to FM Channel 286A.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'VAM' or similar, written over a horizontal line.

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FIGURE 1, CHANNEL SPACING STUDY  
WHEATLAND, WY, SUBSTITUTE CHANNEL, 286A

REFERENCE  
42 04 28.0 N.  
104 56 51.0 W.

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 08-21-07  
SEARCH 08-21-07

----- Channel 286 - 105.1 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin
KRRR	LIC-N 285C2	Cheyenne	WY	168.4	106.54	105.5	1.04
KAWK	LIC 286C1	Custer	SD	32.2	220.83	199.5	21.33
RDEL	DEL 283C2	Laramie	WY	210.4	78.69	54.5	24.19
KRQU	LIC 283C2	Laramie	WY	206.5	94.69	54.5	40.19
RADD	ADD 283C2	Laramie	WY	219.2	98.88	54.5	44.38
KREO	LIC 287A	Pine Bluffs	WY	137.9	117.37	71.5	45.87
KXKL-FM	LIC 286C	Denver	CO	184.7	275.67	225.5	50.17
AL5152	RSV 285C	Ellsworth Afb	SD	32.2	220.83	164.5	56.33
KTRS-FM	LIC 284C1	Casper	WY	304.2	134.32	74.5	59.82
KRQU.C	CP 283C2	Laramie	WY	200.9	114.73	54.5	60.23
KHAD.C	CP 288C2	Mills	WY	303.3	135.59	54.5	81.09
KJAC	LIC-N 288C1	Timnath	CO	191.2	164.90	74.5	90.40
AL4780	VAC 289C1	Edgemont	SD	23.4	178.15	74.5	103.65
KMLD	LIC 233C	Casper	WY	303.3	135.59	28.5	107.09
KMAX-FM	LIC 232C3	Wellington	CO	187.4	128.36	11.5	116.86

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